| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/657,100 | 09/09/2003 | Takeharu Arakawa | Q77201 | 9856 |

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|---|---|---|
| 23373 7590 09/28/2006 | | EXAMINER |
| SUGHRUE MION, PLLC | | NGUYEN, KHAI MINH |
| 2100 PENNSYLVANIA AVENUE, N.W. | | |
| SUITE 800 | ART UNIT | PAPER NUMBER |
| WASHINGTON, DC 20037 | 2617 | |

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/657,100 | ARAKAWA, TAKEHARU |
| | Examiner | Art Unit | |
| | Khai M. Nguyen | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>03 July 2006</u>.

2a)☒ This action is **FINAL.**      2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>6-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1.    Applicant's arguments filed 7/3/2006 have been fully considered but they are not

persuasive.

Regarding the Kung and Kamada references, applicant states that Kung and

Kamada do not suggest " in response to a predetermined event, a communication

terminal begins to establish a communication line to create a communication session

and that the predetermined even occurs before a user instructs a communication circuit

to transmit initial data to an information center".

In contract to applicant's assertions, the examiner directs the applicant to Kung

(U.S. Pat-6584328) and Kamada (U.S.Pat-6381637). Kung (U.S. Pat-6584328) and

Kamada (U.S.Pat-6381637) clear disclose " in response to a predetermined event (see

Kamada, fig.5, col.7, line 63 to col.8, line 20), a communication terminal (see Kamada,

fig.24, client computer 241) begins to establish a communication line to create a

communication session (see Kamada, col.5, lines 29-43, the line from being connected

without the use being aware of the connection) and that the predetermined even occurs

before a user instructs a communication circuit to transmit initial data to an information

center (see Kamada, col.5, lines 29-43, connection is to be made automatically to the

internet, and the line from being connected without the use being aware of the

connection)".

## *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kung (U.S.Pat-6584328) in view of Kamada (U.S.Pat-6381637).

Regarding claim 6, Kung teaches a communication terminal (fig.1-2), comprising:

a communication circuit that transmits information to an information center and

that receives information from the information center (fig.1, col.2, line 60 to col.3, line

26), wherein the information center is remote from the communication terminal

(abstract); and

a controller that (fig.1, col.2, lines 36-44), in response to a predetermined event

(fig.1, abstract, col.2, lines 36-44), instructs the communication circuit to begin to

establish a communication line with the information center to create a communication

session between the communication terminal and the information center (fig.1-2,

abstract, col.2, lines 36-44),

Kung fails to special disclose wherein the predetermined event occurs before a

user instructs the controller to instruct the communication circuit to transmit initial data

to the information center, and wherein the communication unit circuit transmits the initial

data to the information center before the communication unit circuit transmits any other

data to the information center in response to a user instruction during the

communication session. However, Kamada teaches wherein the predetermined event

occurs before a user instructs the controller to instruct the communication circuit to

transmit initial data to the information center (col.5, lines 29-43, col.8, lines 38-61), and

wherein the communication unit circuit transmits the initial data to the information center

before the communication unit circuit transmits any other data to the information center

in response to a user instruction during the communication session (col.5, lines 29-43,

col.8, lines 38-61). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to apply the teaching of Kamada to Kung to

improved data update rate, and allows for an increased speed of use of the invention.

Regarding claim 7, Kung and Kamada further teaches the communication

terminal as claimed in claim 6, further comprising:

a display (see Kung, fig.2, element 18, col.2, lines 45-59), wherein the

predetermined event comprises displaying a predetermined screen on the display (see

Kung, fig.2, element 18, col.2, lines 45-59).

Regarding claim 8, Kung and Kamada further teaches the communication

terminal as claimed in claim 6, further comprising:

an user input unit (see Kung, fig.2), wherein the predetermined event comprises

the user inputting a predetermined command via the user input unit (see Kung, fig.2,

col.3, line 11 to col.4, line 7).

Regarding claim 9, Kung and Kamada further teaches the communication

terminal as claimed in claim 6, further comprising:

an key input unit (see Kung, fig.2), wherein the predetermined event comprises

the user activating a predetermined button on the key input unit (see Kung, fig.2, col.3,

line 11 to col.4, line 7).

Regarding claim 10, Kung and Kamada further teaches he communication

terminal as claimed in claim 6, wherein the initial data comprises a request that requests

information from the information center (see Kung, fig.2, col.3, line 11 to col.4, line 7).

Regarding claim 11, Kung teaches a communication method, comprising:

transmitting information to a remote information center (fig.1, col.2, line 60 to

col.3, line 26);

receiving information from the information center (fig.1, col.2, line 60 to col.3, line

26); and

in response to a predetermined event, begin establishing a communication line

with the information center to create a communication session with the information

center (fig.2, col.3, line 11 to col.4, line 7),

Kung fails to special disclose wherein the predetermined event occurs before a

user instruction to transmit initial data to the information center, and transmitting the

initial data to the information center before transmitting any other data to the information

center in response to a user instruction during the communication session. However,

Kamada teaches wherein the predetermined event occurs before a user instruction to

transmit initial data to the information center (col.5, lines 29-43, col.8, lines 38-61), and

transmitting the initial data to the information center before transmitting any other data

to the information center in response to a user instruction during the communication

session (col.5, lines 29-43, col.8, lines 38-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Kamada to Kung to improved data update rate, and allows for an increased speed of use of the invention.

Regarding claim 12, Kung teaches a software program contained in a computer-readable medium that instructs a computer to perform a routine (fig.1, col.1, line 35 to col.2, line 10), comprising:

transmitting information to a remote information center (fig.1, col.2, line 60 to col.3, line 26);

receiving information from the information center (fig.1, col.2, line 60 to col.3, line 26); and

in response to a predetermined event, begin establishing a communication line with the information center to create a communication session with the information center(fig.2, col.3, line 11 to col.4, line 7),

Kung fails to special disclose wherein the predetermined event occurs before a user instruction to transmit initial data to the information center, and transmitting the initial data to the information center before transmitting any other data to the information center in response to a user instruction during the communication session. However, Kamada teaches wherein the predetermined event occurs before a user instruction to transmit initial data to the information center (col.5, lines 29-43, col.8, lines 38-61), and transmitting the initial data to the information center before transmitting any other data to the information center in response to a user instruction during the communication

session (col.5, lines 29-43, col.8, lines 38-61). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to apply the teaching

of Kamada to Kung to improved data update rate, and allows for an increased speed of

use of the invention.

### *Conclusion*

3.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khai M. Nguyen whose telephone number is

571.272.7923.  The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, George Eng can be reached on 571.272.7495.  The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Khai Nguyen
Au: 2617                                                                          9/20/2006


GEORGE ENG
SUPERVISORY PATENT EXAMINER